

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

EUGENE ANDERSON,

Petitioner,

CASE NO. 2:05-cv-1089

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

v.

THOMAS McBRIDE, Warden,
REGINALD WILKINSON, et al.,

Respondents.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the March 4, 2009 Order, petitioner's objections are **SUSTAINED**. The petition for a writ of habeas corpus conditionally is granted on petitioner's claim that his sentence violates *Blakely*. Petitioner's sentence is **VACATED**. The State must release petitioner or re-sentence him within thirty (30) days. The *Report and Recommendation* otherwise is **ADOPTED** and **AFFIRMED**. The remainder of petitioner's claims are **DISMISSED**.

Date: **March 4, 2009**

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk